

Remarks

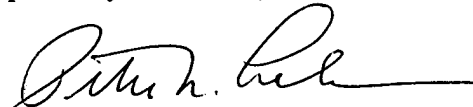
As understood, Applicant's claims have been rejected as being obvious in view of Risch, taken with Heiple et al, and further taken with Kaczmarczyk et al. Presumably it is asserted that it would be obvious to modify the Risch clamping device purportedly as taught by Heiple et al and then modified still further as purportedly taught by Kaczmarczyk et al to arrive at the claimed invention. Initially, as indicated in Applicant's response to the previous Office action, Risch provides not only a different means of securing clamping arms 50a and 50b to the dipper stick but entirely different means for positioning such clamping arms in an inoperative position with respect to the dipper stick. Clamping arms 50a and 50b are mounted on the sides of dipper stick 30 by means of a connecting pin 24 and not to the underside of the dipper as recited in Applicant's claims. Furthermore, Risch provides for positioning the clamping arms along the sides of the dipper stick not by means of a trippable mechanism as recited in Applicant's claims but by means of a pin 57 which is required to be removed from a first set of openings in the clamping arms and a pair of registrable openings in clamp links 16a and 16b, and inserted in openings 66a and 66b when registered with the opening provided in bracket 59 on the underside of the dipper. Any modification of Risch as purportedly taught by Heiple et al and Kaczmarczyk et al would amount to a major modification of Risch causing it to lose its original identity. Secondly, although Kaczmarczyk may be construed to teach a trippable latching mechanism, it clearly fails to teach a mechanism as recited in Applicant's claims which consists of one of the dipper stick and the arm having at least one transversely disposed recess and the other of the dipper stick and the arm member having a yieldably biased, transversely displaceable protuberance trippable upon engagement by the one of the dipper and the arm member and receivable in the recess when the arm member is pivoted between the operative and inoperative positions. Presumably, Kaczmarczyk discloses a latch mechanism consisting of a vertically disposed, trippable spring biased pin 54. Thirdly, it is submitted that although Kaczmarczyk et al may relate to construction or earth working equipment, it specifically relates to a coupler mountable on the front ends of a pair of lift arms and a tilt cylinder, which may be detachably connected to an implement and not an arm member pivotally connected to the underside of a dipper stick and cooperable with an implement pivotally connected on an end of such a dipper stick for grappling articles therebetween.

Applicant does not contend that it is novel to provide an arm member on the underside of a dipper stick which may cooperate in an operative position with an implement pivotally mounted on a dipper stick for grappling articles therebetween nor that it is novel to detachably secure such an arm member in an inoperative position on such a dipper stick. It does contend, however, that in the context of the application, the type of latch mechanism recited in the claims is novel and nonobvious. In this regard, Applicant submits that trippable latching mechanisms have been known for probably over 100 years and the type of assembly to which Applicant's claims relate have been known since at least 1965 as evidenced by U.S. Patent No. 3,273,729 to Holopainen, a copy of the first sheet of drawings of which is submitted herewith for the Examiner's convenience, only Applicant has sought to apply such mechanism to an assembly as disclosed in the Holopainen Patent to arrive at the claimed invention. Accordingly, it respectfully is submitted that it would not be obvious to a person having ordinary skill in the construction or earth working equipment field to modify the assembly of Risch or Heiple et al as purportedly taught by Kaczmarczyk et al to arrive at the claimed invention.

In view of the foregoing, it respectfully is requested that the rejection of Applicant's claims be withdrawn, such claims be allowed and further that the application be passed to issue.

The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 19-4375.

Respectfully submitted,



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Sept. 20, 1966

V. J. HOLOPAINEN

3,273,729

CLAMPING DEVICE

Filed Jan. 4, 1965

2 Sheets-Sheet 1

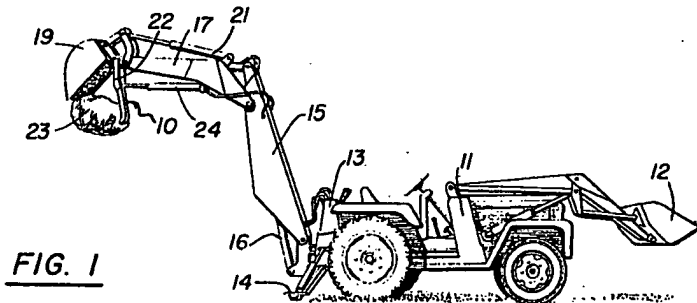


FIG. 1

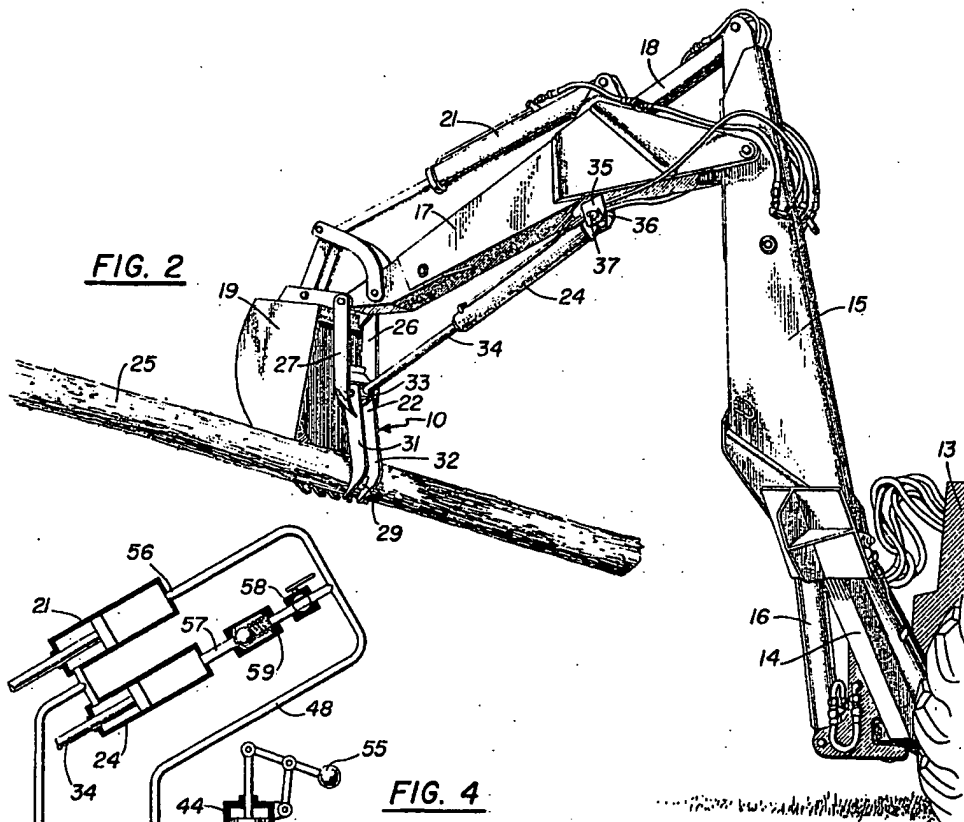


FIG. 2

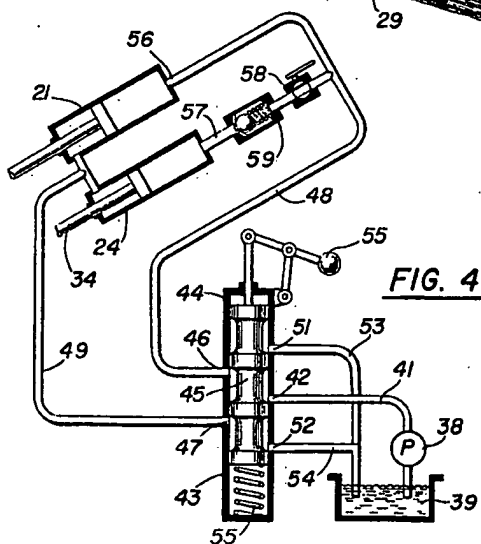


FIG. 4

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